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7 Attorneys for Defendant

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 ALONZO JUAN HERNANDEZ,

15 Defendant.

Case No. CR-12-00705 YGR

**STIPULATION AND ORDER TO
CONTINUE HEARING/EXCLUSION
OF TIME**

Date: July 18, 2013

Time: 2:00 p.m.

Ctrm:

Hon. YVONNE GONZALEZ ROGERS

16 Defendant ALONZO JUAN HERNANDEZ, by and through his appointed counsel
17 Michael Hinckley, and the United States of America, by and through Assistant United States
18 Attorney James Mann, hereby stipulate and agree to continue the status hearing in this matter
19 from July 18, 2013, at 2:00 p.m. to August 29, 2013 at 2:00 p.m. The parties agree that
20 excluding the time resulting from this continuance from computation under the Speedy Trial Act
21 is in the interest of justice and outweighs the best interest of both the public and the defendant in
22 a speedy trial, and is necessary for effective preparation of defense counsel.

23 Good cause exists for this request in that despite due diligence, newly appointed defense
24 counsel needs additional time to complete review of the discovery with the defendant, to
25 complete necessary investigation including interview of potential witnesses, and legal research
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1 related to potential motions. The current status conference date of July 18th was set at current
2 counsel's initial appearance. As such, this is counsel's first continuance request of the matter.

3 Accordingly, the parties request the matter be continued to August 29, 2013.

4 **IT IS SO STIPULATED.**

5 7/16/2013
6 Dated: _____

/s/ James Mann

7 _____
8 James Mann
Assistant United States Attorney

8 7/16/2013
9 Dated: _____

/s/Michael Hinckley

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11 MICHAEL HINCKLEY
Attorneys for Defendant
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ORDER

GOOD CAUSE APPEARING, upon stipulation of the parties, the date for sentencing in this matter is continued from July 18, 2013, to August 29, 2013, at 2:00 p.m.

Also, based upon the representation of counsel and the stipulation, and good cause shown, the Court finds that failure to exclude time from July 18, 2013 through August 29, 2013, would unreasonably deny defendant reasonable time necessary for effective preparation of his counsel, taking into account the exercise of due diligence. 18 U.S.C. sec. 3161(h)(7)(B)(iv). The Court finds that the ends of justice served by excluding time from July 18, 2013 through August 29, 2013 from computation under the Speedy Trial Act outweigh the best interest of the public and the defendant in a speedy trial. THEREFORE, IT IS HEREBY ORDERED that the time from July 18, 2013 through August 29, 2013, shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. sec. 3161 (h)(7)(A) &(B)(iv).

IT IS SO ORDERED.

Dated: July 16, 2013



Hon. YVONNE GONZALEZ ROGERS
United States District Judge